IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 18TH DECEMBER 2007 / 27TH AGRAHAYANA 1929

WP(C).No. 36049 of 2007(N)

PETITIONERS:

---

1. ANDREWS.C.JOY, S/O.JOY, CHIRAYIL HOUSE,
   OLASSA P.O., IMANAM, KOTTAYAM.

2. JIJIMOL ANDREWS, S/O.ANDREWS,
   CHIRAYIL HOUSE, OLASSA P.O., IMANAM, KOTTAYAM.

BY ADV. SRI.A.B.JALEEL

RESPONDENTS:

---

1. THE SECRETARY, PERUMBAVOOR MUNICIPALITY
   PERUMBAVOOR.

2. THE VILLAGE OFFICER, PERUMBAVOOR
   MUNICIPALITY, PERUMBAVOOR.

3. THE DISTRICT COLLECTOR, ERNAKULAM.

R1 BY SRI.V.M.KURIAN, SC.
R3 BY SRI.K.J.MOHAMMED ANZAR, SR.GOVT. PLEADER.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 36049 OF 2007

Dated this the 18th day of December, 2007

JUDGMENT

On behalf of Sri.V.M.Kurian, Standing Counsel request for adjournment is made. But, as rightly pointed out by Sri.A.B. Jaleel, counsel for the petitioner the plot in respect of which the petitioner seeks a permit for construction of a residential building was originally part of a larger plot of which the subject matter of Ext.P7 judgment was also a part. The circumstances obtaining in this case are comparable to those which obtained in Ext.P7 judgment. Following my own judgment, Ext.P7, this Writ Petition will stand allowed.

Ext.P4 notice issued by the Municipality is quashed. The Municipality is directed to approve the plan submitted by the petitioner and issue permit, if the plan is otherwise in order. The existence of the so called master plan as well as description of the property as paddy field in the basic records will not be a ground for rejection of the plan submitted by the petitioner. Orders as directed above will be issued by the Municipality at the earliest and at any rate within one month of receiving copy of this judgment.

PIUS C. KURIAKOSE, JUDGE

WPC 2

btt